

Docket: 70213 US04

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Somers

Serial No.: FWC of 08/435,072

Group Art Unit: 1763

Filed: September 22, 1997

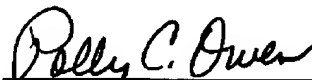
Examiner: Gregory L. Mills

For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN
AND ARTICLE PREPARED THEREBY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Enclosed are copies of all correspondence from 1997 until present. Please let me know if you need anything further. Also, applicant requests that the USPTO send a corrected filing receipt which has been requested numerous times previously by applicant.

Respectfully submitted,



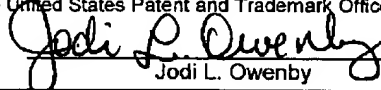
Polly C. Owen
Registration No. 44,991

November 9th, 2004
Date

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-6204
FAX: (423) 229-1239

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this paper (along with any paper(s) referred to as being attached or enclosed) is being facsimile transmitted to the United States Patent and Trademark Office to Fax No. 571-273-1439 on the date shown below.


Jodi L. Owenby

November 9, 2004
Date

BEST AVAILABLE COPY

Docket: 70213

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant: Marc Stacey Somers

Serial No.: 08/435,072

Art Unit: 1513

Filed: May 8, 1995

Examiner: M. Dixon

For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY
POLYOLEFIN AND ARTICLE PREPARED THEREBY

Commissioner of Patents and Trademarks
Washington, D. C. 20231

APPEAL BRIEF

This is an appeal from the decision of the Examiner dated
July 8, 1996 finally rejecting Claims 1-7.

REAL PARTY IN INTEREST

Eastman Chemical Company is the real party in interest.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 8-20 are withdrawn from consideration under a
restriction requirement. Claims 1-7 stand rejected under 35
U.S.C. section 102(b) as being anticipated by McCoskey et al.
(U.S. 5,041,251, Aug. 20, 1991).

STATUS OF AMENDMENTS

There are no pending amendments after the final rejection.

SUMMARY OF INVENTION

The present claimed invention is a process for producing non-blocking slats of normally tacky amorphous propylene copolymers. The process entails coextruding the normally tacky amorphous propylene copolymer (molten) with a low viscosity polyolefin such as a polyethylene wax (also molten) forming a core of amorphous propylene copolymer covered with a sheath of polyethylene wax. The coextruded article is cooled, cut (while exposing less than 40 percent of the core) and then coated with a non-tacky powder; thereby, forming non-blocking slats. The normally tacky amorphous propylene copolymer has a needle penetration greater than 70 to less than 100 dmm at 23°C and a Brookfield Thermosel Viscosity below 1000 cP at 190°C.

The applicant has unexpectedly discovered that amorphous propylene copolymers with a particular set of properties can be formed into slats. Prior to the present invention it was not known that tacky amorphous propylene copolymers of low cohesive strength, having a needle penetration of greater than 70 to less than 100 dmm at 23°C and a Brookfield Thermosel Viscosity below 1,000 cP at 190°C could be formed into slats.

ISSUES

Whether or not claims 1-7 are anticipated by McCoskey et al., U.S. 5,041,251.

GROUPING OF CLAIMS

Claims 1-7 stand or fall together.

ARGUMENT

Contrary to the Examiner's allegation McCoskey et al. do not disclose what is required in the present claims. McCoskey et al. disclose something that is very different from what is claimed in the present claims. McCoskey et al. disclose an underwater pelletizing process of producing particles. This process of McCoskey et al. entails extrusion cutting the polyolefin into

particles while in contact with water that contains a non-sticky material. Once the particles are cut in McCoskey et al. the particles are removed from the water and dusted again with a non-sticky material. This process of McCoskey et al. makes a desirable product as pellets but has proved to be an expensive process and the present invention is an improvement thereover that is cheaper and easier when making slats. Although McCoskey et al. may disclose some similar steps, all the steps are not the same and are not in the same order as required in the present claims and these differences cannot simply be ignored, particularly when they make a significant difference in the "manipulative sense".

The process of the present invention requires the coextrusion of an amorphous propylene copolymer in a sheath of a non-tacky polyolefin, i.e. both polymers are molten at or above their ring and ball softening points. This is like in sausage making with the meat in a sheath, except that in the present claims both the contents and the sheath are formed from the molten state, one inside the other as both materials exit the die. This is more clearly explained in the present specification on pages 9-12. The extruded core and sheath are extruded in strands (not cut) that are then cooled and then cut. The cut slats ~~never need to be separated from the cooling fluid.~~ The exposed cut ends (not coated with the non-tacky sheath) are then dusted with a non-tacky powder. This is very different from what is disclosed in McCoskey et al. and cannot simply be ignored. Therefore, this rejection must be withdrawn.

The differences between what is disclosed in McCoskey et al. and the present claims cannot simply be swept aside.

Also, the Examiner has stated that the above limitations are not claimed. This is not correct, the above explanation of the limitations is the only way one of ordinary skill in the art could view the present claims, particularly while viewing the present specification. Coextruding and sheath do have some meaning and can't simply be ignored.

CONCLUSION

In light of the above, the Examiners rejection of claims 1-7 must be reversed and allowance of all claims are respectfully requested.

Mark A. Montgomery
Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
423-229-8862
MAM\DOCKET\70213\Brief

Respectfully submitted,



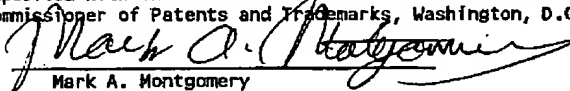
Attorney for Appellant
Registration No. 30,780

8 Jan 97

Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date below.



Mark A. Montgomery
Registration No. 30,780

8 Jan 97

Date

Docket: 70213

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marc Stacey Somers

Serial No.: 08/435,072

Art Unit: 1513

Filed: May 8, 1995

Examiner: M. Dixon

For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY
POLYOLEFIN AND ARTICLE PREPARED THEREBY

Commissioner of Patents and Trademarks
Washington, D.C. 20231

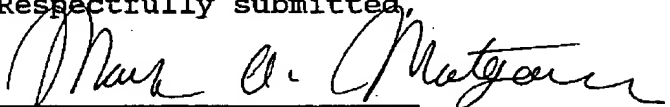
PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136

It is hereby requested that a one-month extension of time be granted for filing a response to the Appeal Brief which was due December 8, 1996. No extension of time has been previously obtained. A response in connection with the matter for which this extension is requested is filed herewith.

Please charge the fee of \$110 to Deposit Account 05-0221. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by this paper or credit any overpayment to Deposit Account No. 05-0221. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

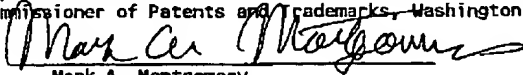
Mark A. Montgomery
Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
(423) 229-8862


Attorney for Applicant
Registration No. 30,780

8 Jan 97
Date

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Mark A. Montgomery
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Docket: 70213

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant: Marc Stacey Somers

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Filed: May 8, 1995

Examiner: M. Dixon

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COPOLYMER COMPOSITION WITH A LOW VISCOSITY
POLYOLEFIN AND ARTICLE PREPARED THEREBY

Commissioner of Patents and Trademarks
Washington, D.C. 20231

TRANSMITTAL OF APPEAL BRIEF - 37 CFR 192

Transmitted herewith in triplicate is the Appeal Brief in this application with respect to the Notice of Appeal filed October 8, 1996.

Please charge the appeal fee of \$300 to Deposit Account No. 05-0221. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by this paper or credit any overpayment to Deposit Account No. 05-0221. A duplicate copy of this transmittal is enclosed.

Respectfully submitted,

Mark A. Montgomery
Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
423-229-8862

Mark A. Montgomery
Attorney for Appellant
Registration No. 30,780

8 Jan 97
Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

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Mark A. Montgomery
Mark A. Montgomery
Registration No. 30,780

8 Jan 97
Date

Docket: 70213/US/ABG

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marc Stacey Somers

Serial No.: 08/435,072

Art Unit: 1513

Filed: May 8, 1995

Examiner: M. Dixon

For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY
POLYOLEFIN AND ARTICLE PREPARED THEREBY

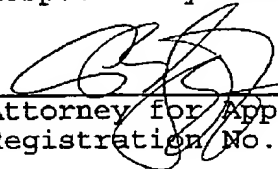
Commissioner of Patents and Trademarks
Washington, D.C. 20231

EXPRESS ABANDONMENT

Applicant hereby expressly abandons the above-identified patent application. A Rule 1.62 FWC Application is being filed concurrently herewith, and a Power of Attorney to the undersigned is attached.

Respectfully submitted,

Andrew B. Griffis
Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
(423) 229-3618


Attorney for Applicant
Registration No. 36,336

9-22-97

Date

N:\abg\doctet\D70213\abandon.01

Docket: 70213

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marc S. Sommers

Serial No.: 08/435,072

Art Unit: 1513

Filed: May 8, 1995

Examiner: Dixon

For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY
POLYOLEFIN AND ARTICLE PREPARED THEREBY


Commissioner of Patents and Trademarks
Washington, D.C. 20231

ASSOCIATE POWER OF ATTORNEY

I hereby appoint Andrew B. Griffis, Registration
No. 36,336, whose address is Eastman Chemical Company, P.O.
Box 511, Kingsport, Tennessee 37662 (telephone no. 423-229-
3618), Associate Attorney in the above-identified application
with full power to prosecute this application and to transact all
business in the Patent and Trademark Office connected therewith.
Please address all future communications and telephone calls to
Andrew B. Griffis.

Respectfully submitted,

Mark A. Montgomery
Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
(423) 229-3634


Attorney for Applicant
Registration No. 30,780
14 Sept 97
Date

abg

Serial No. 08/435 072 Docket No. 70213Applicant(s) Dr. Stacey SomersTitle Process For Constructing A Truly Anisotropic Polyethylene Copolymer Composition With A Low Viscosity Polyethylene

The following has been received in the U.S. Patent Office on the date stamped hereon:

☐ _____ pp. Specification & _____ Claims☐ Combined Declaration, Petition & Power of Attorney☐ Rule 60 Application (Cont./Div.)☐ Rule 62 Application (FWD/FWD)☐ Amendment☐ Assignment Recording☒ Appeal Brief & Transmittal☐ Certificate of Correction☒ Certificate of Mailing☐ _____ Drawing Sheets☐ "Express Mail" Mailing Label No. _____☒ Extension of Time, Petition for - 1 month☐ Information Disclosure Statement☐ Issue Fee Transmittal☐ Letter☐ Letter to Official Draftsman☐ Notice of Appeal☐ Payment of \$ _____ by Deposit Account 05-0221☐ Petition☐ Response☐ Status Letter☐ Rule 132 Declaration☐ _____64149 U.S. PTO
01/13/97

Docket: 70213/US04/JDW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc Stacey Somers

Serial No.: FWC of 08/435,072

Group Art Unit: 1317

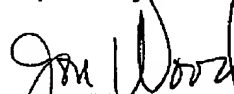
Filed: September 22, 1997

Examiner: Merrick Dixon

For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN
AND ARTICLE PREPARED THEREBYAssistant Commissioner for Patents
Washington, D.C. 20231Request for Filing Receipt

Applicant respectfully requests a Filing Receipt for the above application. A File Wrapper Continuation under Rule 162 and a Preliminary Amendment were mailed to the United States Patent and Trademark Office on September 22, 1997, authorizing \$770.00 to be paid from Deposit Account 05-0221. To date, applicant has not received a Filing Receipt.

Respectfully submitted,

Jonathan D. Wood
Registration No. 39,076


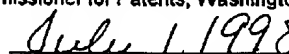
7/1/98


Date

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-8862
FAX: (423) 229-1239

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


Karen L. Kilgore
Date

SN FWC 05 08/435,072	Docket 70213/US04/JW	Attorney Jonathan D. Wood
Applicant(s) Marc Stacey Somers		
Title PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN & ARTICLE PREPARED THEREBY		
The following has been received in the USPTO on the date stamped hereon: Request for Filing Receipt Certificate of Mailing		
		

RECEIVED**JUL 14 1998****EASTMAN CHEMICAL COMPANY**

PATENT

Docket: 70213

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc Stacey Somers

Serial No.: 08/692,364

Group Art Unit: 1774

Filed: August 5, 1996

Examiner: Not Assigned

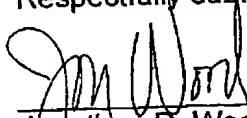
For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN
AND ARTICLE PREPARED THEREBYAssistant Commissioner for Patents
Washington, D.C. 20231REQUEST FOR CORRECTED FILING RECEIPT

Attached is a copy of the filing Receipt received from the Patent and Trademark Office on September 14, 1998, for the above application. Issuance of a corrected filing receipt is respectfully requested. The changes are noted on the copy.

- ☒ The correction is not due to an error by applicant and no fee is due.
☐ Please charge Deposit Account No. 05-0221 in the amount of \$25.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by this paper or credit any overpayment to Deposit Account No. 05-0221. A duplicate copy is enclosed.

Respectfully submitted,

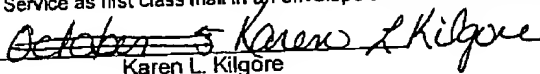

Jonathan D. Wood
Registration No. 39,076

10/2/98
Date

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
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FAX: (423) 229-1239

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Karen L. Kilgore

October 5, 1998
Date

PTO-103X
(Rev. 8-95)

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/692,364	08/05/96	1774	\$750.00	70213/US04	1	10	1

ANDREW B. GRIFFIS
EASTMAN CHEMICAL COMPANY
P O BOX 511
KINGSPORT TN 37662

↑
wrong or case

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

MARC S. SOMERS, LONGVIEW, TX.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A DIV OF 08/435,072 05/08/95

FOREIGN FILING LICENSE GRANTED 10/09/96

TITLE

process for COEXTRUDING A TACKY AMORPHOUS PROPYLENE COPOLYMER COMPOSITION with a low viscosity Polyolefin and Article Prepared Thereby
PRELIMINARY CLASS: 428


ENTERED IN PITS

RECEIVED

SEP 14 1998

EASTMAN CHEMICAL COMPANY

SN 09/019,746	Docket 0213/US04	Attorney Jonathan D. Wood
Applicant(s) Marc Stacey Somers		
Title PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN AND ARTICLE PREPARED THEREBY		
The following has been received in the USPTO on the date stamped hereon: Copy of Filing Receipt with Corrections Noted Certificate of Mailing Request for Corrected Filing Receipt (1 original, 1 copy)		

**RECEIVED**

OCT 19 1998

EASTMAN CHEMICAL COMPANY

Docket: 70213

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc Stacey Somers

Serial No.: 09/019,746

Group Art Unit: 1774

Filed: August 5, 1996

Examiner: Not Assigned

For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN
AND ARTICLE PREPARED THEREBY

Assistant Commissioner for Patents
Washington, D.C. 20231

SECOND REQUEST FOR CORRECTED FILING RECEIPT

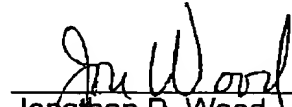
Attached is a copy of the filing Receipt received from the Patent and Trademark Office on September 14, 1998, for the above application. Also enclosed is a copy of the First Request for Corrected Filing Receipt which was mailed to the Patent and Trademark Office October 5, 1998, and a copy of the return post card indicating receipt by the PTO on October 13, 1998. To date, no corrected filing receipt has been received. Issuance of an expedited corrected filing receipt is respectfully requested. The changes are noted on the copy.

- ☒ The correction is not due to an error by applicant and no fee is due.
☐ Please charge Deposit Account No. 05-0221 in the amount of \$25.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by this paper or credit any overpayment to Deposit Account No. 05-0221. A duplicate copy is enclosed.

Respectfully submitted,

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-8862
FAX: (423) 229-1239


Jonathan D. Wood
Registration No. 39,076

3/9/99
Date

Docket: 70213

PATENT

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Karen L. Kilgore
Karen L. Kilgore

March 9, 1999
Date

Docket: 70213

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc Stacey Somers

Serial No.: 08/692,364

Group Art Unit: 1774

Filed: August 5, 1996

Examiner: Not Assigned

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Assistant Commissioner for Patents
Washington, D.C. 20231

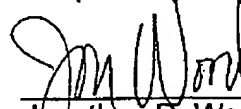
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Jonathan D. Wood
Registration No. 39,076

10/2/98
Date

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Karen L. Kilgore

October 5, 1998
Date

PTO-103X
(Rev. 8-95)

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/692,364	08/05/96	1774	\$750.00	70213/US04	1	10	1

ANDREW B. GRIFFIS
EASTMAN CHEMICAL COMPANY
P O BOX 511
KINGSPORT TN 37662

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Applicant(s)

MARC S. SOMERS, LONGVIEW, TX.

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process for COEXTRUDING ^ATACKY AMORPHOUS PROPYLENE COPOLYMER COMPOSITION with a low
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PRELIMINARY CLASS: 428

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SEP 14 1998

EASTMAN CHEMICAL COMPANY

Docket: 70213

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc Stacey Somers

Serial No.: 08/692,364

Group Art Unit: 1774

Filed: August 5, 1996

Examiner: Unknown

For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN
AND ARTICLE PREPARED THEREBY

Assistant Commissioner for Patents
Washington, D.C. 20231

SECOND REQUEST FOR CORRECTED FILING RECEIPT

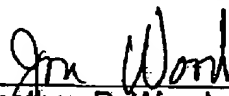
Attached is a copy of the filing Receipt received from the Patent and Trademark Office on September 14, 1998, for the above application. Also enclosed is a copy of the First Request for Corrected Filing Receipt which was mailed to the Patent and Trademark Office October 5, 1998, and a copy of the return post card indicating receipt by the PTO on October 13, 1998. To date, no corrected filing receipt has been received. Issuance of an expedited corrected filing receipt is respectfully requested. The changes are noted on the copy.

- ☒ The correction is not due to an error by applicant and no fee is due.
☐ Please charge Deposit Account No. 05-0221 in the amount of \$25.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by this paper or credit any overpayment to Deposit Account No. 05-0221. A duplicate copy is enclosed.

Respectfully submitted,

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-8862
FAX: (423) 229-1239


Jonathan D. Wood
Registration No. 39,076

4/22/99
Date

Docket: 70213

PATENT


CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Karen L. Kilgore
Karen L. Kilgore

April 22, 1999
Date

SN 09/019,746	Docket #0213/US04	Attorney Jonathan D. Wood
Applicant(s) Marc Stacey Somers		
Title PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN AND ARTICLE PREPARED THEREBY		
The following has been received in the USPTO on the date stamped hereon: Copy of Filing Receipt with Corrections Noted Certificate of Mailing Request for Corrected Filing Receipt (1 original, 1 copy)		

**RECEIVED**

OCT 19 1998

EASTMAN CHEMICAL COMPANY

Docket: 70213

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc Stacey Somers

Serial No.: 08/692,364

Group Art Unit: 1774

Filed: August 5, 1996

Examiner: Not Assigned

For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN
AND ARTICLE PREPARED THEREBY

Assistant Commissioner for Patents
Washington, D.C. 20231


REQUEST FOR CORRECTED FILING RECEIPT

Attached is a copy of the filing Receipt received from the Patent and Trademark Office on September 14, 1998, for the above application. Issuance of a corrected filing receipt is respectfully requested. The changes are noted on the copy.

- ☒ The correction is not due to an error by applicant and no fee is due.
☐ Please charge Deposit Account No. 05-0221 in the amount of \$25.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by this paper or credit any overpayment to Deposit Account No. 05-0221. A duplicate copy is enclosed.

Respectfully submitted,



Jonathan D. Wood
Registration No. 39,076

10/2/98
Date

Eastman Chemical Company
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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


Karen L. Kilgore

October 5, 1998
Date

PTO-103X
(Rev. 8-95)

FILING RECEIPT

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/692,364	08/05/96	1774	\$750.00	70213/US04	1	10	1

ANDREW B. GRIFFIS
EASTMAN CHEMICAL COMPANY
P O BOX 511
KINGSPORT TN 37662

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

MARC S. SOMERS, LONGVIEW, TX.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A DIV OF 08/435,072 05/08/95

FOREIGN FILING LICENSE GRANTED 10/09/96

TITLE

ccess for ^ACOEXTRUDING TACKY AMORPHOUS PROPYLENE COPOLYMER COMPOSITION with a low
iscosity Polyolefin and Article Prepared Thereby
PRELIMINARY CLASS: 428


ENTERED IN PITS

RECEIVED

SEP 14 1998

EASTMAN CHEMICAL COMPANY

SN 08/692,364	Docket 70213/US04	Attorney Jonathan D. Wood
Applicant(s) Somers		
Title PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE COPOLYMER COMPOSITION WITH A LOW VISCOSITY ...		
The following has been received in the USPTO on the date stamped hereon: Certificate of Mailing Second Request for Corrected Filing Receipt First Request for Corrected Filing Receipt (copy) Copy of Original Filing Receipt with Corrections Noted Copy of Return Postcard Indicating Receipt of First Request		



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MAY 03 1999

EASTMAN CHEMICAL COMPANY

Docket: 70213

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc Stacey Somers

Serial No.: 08/692,364

Group Art Unit: 1774

Filed: August 5, 1996

Examiner: Unknown

For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN
AND ARTICLE PREPARED THEREBYAssistant Commissioner for Patents
Washington, D.C. 20231STATUS LETTER

It is respectfully requested that applicant be advised of the status of the subject
patent application.

from FWC (Rule 1.62)
A Preliminary Amendment was mailed to the Patent and Trademark Office on
September 22, 1997. To date applicant has not received any communications from the
Patent and Trademark Office regarding the status of this application..

Respectfully submitted,

Eastman Chemical Company
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Phone: (423) 229-8862
FAX: (423) 229-1239

Jon Wood
Jonathan D. Wood
Registration No. 39,076

4/22/99
Date


CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States
Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Karen L. Kilgore
Karen L. Kilgore

April 22 1999
Date

SN 08/692,364	Docket 70213/US04	Attorney Jonathan D. Wood
Applicant(s) Somers		
Title PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE COPOLYMER COMPOSITION WITH A LOW VISCOSITY ...		
The following has been received in the USPTO on the date stamped hereon: Certificate of Mailing Status Letter		



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MAY 03 1999

EASTMAN CHEMICAL COMPANY

Docket: 70213

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc Stacey Somers

Serial No.: 08/692,364 which is a
FWC of 08/435,072

Group Art Unit: 1774

Filed: September 23, 1997

Examiner:

For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN
AND ARTICLE PREPARED THEREBYAssistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231**REQUEST FOR CORRECTED FILING RECEIPT**

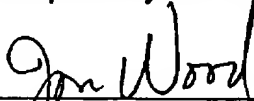
Attached is a copy of the filing Receipt received from the Patent and Trademark Office on May 17, 1999, for the above application. Issuance of a corrected filing receipt is respectfully requested. The changes are noted on the copy.

- ☒ The correction is not due to an error by applicant and no fee is due.
☐ Please charge Deposit Account No. 05-0221 in the amount of \$25.

Address all future communications to Jonathan D. Wood, Eastman Chemical Company, P.O. Box 511, Kingsport, TN 37662.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by this paper or credit any overpayment to Deposit Account No. 05-0221. A duplicate copy is enclosed.

Respectfully submitted,


Jonathan D. Wood
Registration No. 39,076

1/13/99
Date

Eastman Chemical Company
P.O. Box 511
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Phone: (423) 229-8862
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Docket: 70213

PATENT


CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)


I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Freda Lane
Freda Lane

9/14/99
Date

SN 08/692,364	Docket 70213	Attorney Jonathan D. Wood
Applicant(s) Marc Stacey Somers		
Title PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN AND ARTICLE PREPARED THEREBY		
The following has been received in the USPTO on the date stamped hereon: Certificate of Mailing Request for Corrected Filing Receipt RECEIVED SEP 27 1999 EASTMAN CHEMICAL COMPANY LEGAL DEPARTMENT		



SN 08/692,364	Docket 70213	Attorney Jonathan D. Wood
Applicant(s) Marc Stacey Somers		
Title PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN AND ARTICLE PREPARED THEREBY		
The following has been received in the USPTO on the date stamped hereon: Certificate of Mailing Status Letter		
 RECEIVED SEP 23 1999 EASTMAN CHEMICAL COMPANY LEGAL DEPARTMENT		

Docket: 70213

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc Stacey Somers

Serial No.: 08/692,364 which is a
FWC of 08/435,072

Group Art Unit: 1774

Filed: September 23, 1997

Examiner:

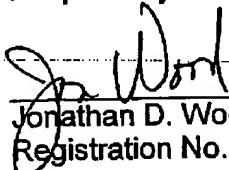
For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN
AND ARTICLE PREPARED THEREBYAssistant Commissioner for Patents
Washington, D.C. 20231STATUS LETTER

It is respectfully requested that applicant be advised of the status of the subject patent application.

A Preliminary Amendment was mailed to the Patent and Trademark Office on September 22, 1997. To date applicant has not received any communications from the Patent and Trademark Office regarding the status of this application.

Respectfully submitted,

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-8862
FAX: (423) 229-1239


Jonathan D. Wood
Registration No. 39,076

9/13/99
Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

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Freda Lane

9/14/99
Date



Docket: 70213 U504

PATENT

9P/177

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc Stacey Somers

Serial No.: 08/692,364 which is a
FWC of 08/435,072

Group Art Unit: 1774

Filed: September 23, 1997

Examiner:

For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN
AND ARTICLE PREPARED THEREBYAssistant Commissioner for Patents
Washington, D.C. 20231STATUS LETTER

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patent application.

A Preliminary Amendment was mailed to the Patent and Trademark Office
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Respectfully submitted,

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FAX: (423) 229-1239

Jonathan D. Wood
Jonathan D. Wood
Registration No. 39,076

9/13/99
Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

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Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Freda Lane
Freda Lane

9/14/99
Date

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OCT 05 1999

EASTMAN CHEMICAL COMPANY
LEGAL DEPARTMENT

\\NTLEGAL\1\DATA\Docket\70213\statusletter.doc

Docket: 70213

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc Stacey Somers

Serial No.: 09/019,746 which is a
FWC of 08/435,072

Group Art Unit:

Filed: September 22, 1997

Examiner:

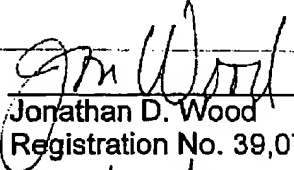
For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN
AND ARTICLE PREPARED THEREBYAssistant Commissioner for Patents
Washington, D.C. 20231**STATUS LETTER**

It is respectfully requested that applicant be advised of the status of the subject patent application.

A Preliminary Amendment was mailed to the Patent and Trademark Office on September 22, 1997. To date applicant has not received any communications from the Patent and Trademark Office regarding the status of this application.

Respectfully submitted,

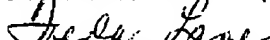
Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-8862
FAX: (423) 229-1239


Jonathan D. Wood
Registration No. 39,076

11/15/99
Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


Freda Lane

11/15/99
Date

Docket: 70213

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Somers

Serial No.: 09/019,746

Group Art Unit: 1774

Filed: September 22, 1997

Examiner:

For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN
AND ARTICLE PREPARED THEREBY

Assistant Commissioner for Patents
Washington, D.C. 20231

STATUS LETTER

It is respectfully requested that applicant be advised of the status of the subject
patent application.

Respectfully submitted,

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-6333
FAX: (423) 229-1239

B. J. Boshears
B. J. Boshears
Registration No. 33,864
April 19, 2002
Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)


I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Cathy L. Adkins
Cathy L. Adkins

4/22/02
Date

ENTERED

SN 09/019,746	Docket 70213,US4	Attorney B. J. Boshears
Applicant(s) Somers		
Title PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN AND ARTICLE PREPARED ...		
The following has been received in the USPTO on the date stamped hereon: Certificate of Mailing 4/22/02 Status Letter		



Docket: 70213

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc S. Somers	Confirmation No: 3758
Serial No.: 09/019,746	Group Art Unit: 1774
Filed: September 22, 1997	Examiner: Merrick L. Dixon
For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN AND ARTICLE PREPARED THEREBY	

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Reply Under 37 CFR §1.111
INTRODUCTORY COMMENTS

Sir,

In response to the Official Office Action mailed February 11, 2003, paper no. 16, and having a three (3) month shortened statutory period for reply, please enter the following amendment to the above-identified patent application. Applicant respectfully requests reconsideration or further examination of the claimed invention and consideration of the remarks herein.

Included with this response is an associate power of attorney.

Before responding to the office action, Applicant's representative respectfully wishes to correct the filing status, claims under examination, and identification of this application for future actions. The above-identified patent application is a file wrapper continuation (FWC) filed on September 22, 1997 of copending patent application having US Serial No. 08/435,072 filed May 8, 1995. A preliminary amendment was filed concurrently with the FWC canceling claims 1-7 directed to the process for producing non-blocking slats of amorphous propylene copolymer, and adding new claims 21-33, also directed to the process for producing non-blocking slats of amorphous propylene copolymer and having support in original claims 1-7.

Docket: 70213

PATENT

Claims 8-20 were further subject of two divisional applications:

1. 08/692,363, filed August 5, 1996, now U.S. Patent No. 5,942,304; and
2. 08/962,364 filed August 5, 1996, now U.S. Patent No. 5,733,645.

Thereafter, on June 27, 2000 a second preliminary amendment was filed for the above-identified patent application canceling claims 1-20 and new claims 21-29 were presented for examination. However, these new claims were substantially similar to the claims of U.S. Pat. No. 5,733,645, issued on March 31, 1998.

The amendment to the claims below clarify the claimed invention before the examiner and bring light to a lost and tortured patent application wondering through the seemingly endless maze of prosecution. Accordingly, Applicant respectfully requests that the amendment be entered.

The amendment therefore takes claims 21-29 as the last claims before the examiner and presents new claims 30-42 for consideration.

Docket: 70213

PATENT

AMENDMENTS TO THE CLAIMS

In the claims:

Please cancel all claims pending in the application without prejudice.

Please add new claims 30- 42 as indicated below.

Claims 1-29 - Cancelled.

30. (New) A process for producing non-blocking slats of amorphous propylene copolymer comprising the steps of:

(a) providing near the surface of an extrusion die, near or above the ring and ball softening point, an amorphous propylene copolymer composition comprising no more than about 90 weight percent propylene and up to 70 weight percent of an alpha olefin comonomer having 2 to 8 carbon atoms wherein the composition has a needle penetration of greater than 70 to less than 100 dmm at 23°C and a Brookfield Thermosel Viscosity below 1,000 cP at 190°C;

(b) forming a core covered with a sheath of low viscosity non-tacky polyolefin strand by coextruding said amorphous propylene copolymer composition with a low viscosity non-tacky polyolefin having a Brookfield Thermosel Viscosity of 100 to 50,000 cP at 150°C and a needle penetration of less than 20 dmm at 23°C ;

(c) contacting the core-and-sheath coextruded amorphous propylene copolymer and sheath of non-tacky polyolefin onto a surface having a temperature below the ring and ball softening point of the amorphous propylene copolymer; and

(d) cutting the strand of step (c) into slats wherein the surface area exposed by the cut is less than 40 percent of the entire slat surface area.

31. (New) The process according to Claim 30, wherein such that the surface area of the slat that is sheathed in the low viscosity polyolefin is greater than 60 percent.

32. (New) The process according to Claim 31, further comprising coating said slats produced in step (d) with a non-tacky powder at a concentration of about 1 to 20 weight percent of the total cut slat.

Docket: 70213

PATENT

33. (New) The process according to Claim 30, wherein said sheath in step (b) is from about 1 to 20 weight percent of the total weight based on the weight of the non-tacky polyolefin and amorphous propylene copolymer.

34. (New) The process according to Claim 30, wherein the low viscosity non-tacky polyolefin is a polyethylene wax having a Brookfield Thermosel Viscosity of 3,000 to 5,000 cP at 150°C and is from about 2 to 10 weight percent of the total weight based on the total weight of polyethylene wax and amorphous propylene copolymer.

35. (New) The process according to Claim 30, wherein the exposed surface area after cutting is less than 30 percent of the total surface area of the slats.

36. (New) The process according to Claim 30, wherein the exposed surface area after cutting is less than 20 percent of the total surface area of the slats.

37. (New) The process according to Claim 30, wherein the exposed surface area after cutting is less than 10 percent of the total surface area of the slats.

38. (New) The process according to Claim 32, wherein said non-tacky powder is a powdered polyolefin wax compatible with the amorphous propylene copolymer and has a Brookfield Thermosel Viscosity of 100 to 50,000 cP at 150°C.

39. (New) The process according to Claim 30, further comprising introducing the sheath-and-core coextruded amorphous propylene copolymer and low viscosity non-tacky polyolefin into a cooling fluid after contacting the chilled surface but prior to being cut.

40. (New) The process according to Claim 30, wherein the amorphous propylene copolymer composition provided in step (a) is a multi-component blend of at least two different amorphous propylene copolymers wherein the resulting blend contains no more than 90 weight percent propylene and up to 70 weight percent of a comonomer

Docket: 70213

PATENT

selected from the group consisting of alpha olefins having 2 to 8 carbons, wherein one amorphous propylene copolymer has a needle penetration below 70 dmm at 23°C and the other amorphous propylene copolymer has a needle penetration sufficiently high that the resulting blend has a needle penetration between 70 and 100 dmm at 23°C.

41. (New) The process according to Claim 30, wherein the composition provided in step (a) comprises:

a low tensile strength amorphous propylene copolymer having a tensile strength of less than 150 kPa, a needle penetration of at least 95 dmm at 23°C, and a viscosity of less than 1000 cP at 190°C; and

an amorphous propylene copolymer having a tensile strength greater than 150 kPa, a needle penetration of less than 70 dmm at 23°C, and a viscosity of at least 1000 cP at 190°C.

42. (New) The process according to Claim 41 wherein the low tensile strength amorphous propylene copolymer is in a concentration of about 60 to 95 weight percent of the composition provided in step (a).

Docket: 70213

PATENT

REMARKS

Claims 30 - 42 are in the case and presented for consideration.

New claims 30- 42 have been added. Support for claims 30, 31, 33-37 is found on page 9 of the specification.

Support for claim 32 is found on page 10 of the specification.

Support for the claim 38 is found on page 10 of the specification.

Support for the claim 39 is found on page 12 of the specification.

Support for the claims 40 - 42 is found on page 8 of the specification.

Claims 21-29 have been cancelled without prejudice.

Rejections under 35 U.S.C. § 102

Claims 1-7 were rejected under 35 U.S.C. § 102 (b) as being anticipated by McCoskey et al. (US 5,041,251). Applicant respectfully traverses this rejection for the reasons stated below. Although claims 1-7 were not properly before the examiner, the rejection is germane to new claims 30-42. Accordingly, in an effort to expedite prosecution of the case, Applicant presents the following reasons why McCoskey et al. would not anticipate the presently claimed invention.

Applicant's presently claimed invention is a process for producing non-blocking slats of amorphous propylene copolymer having a viscosity of less than 1000 centipoise at 190°C by coextruding near or above the ring and ball softening point the amorphous propylene and a low viscosity non-tacky polyolefin so as to form a core-and-sheath strand with the amorphous propylene copolymer forming the core and the non-tacky polyolefin forming the sheath; contacting the core-and-sheath strand with a surface having a temperature below the ring and ball softening point of the amorphous propylene copolymer; and cutting the strand into slats wherein the surface area exposed by the cut is less than 40 percent of the entire slat surface area.

Docket: 70213

PATENT

Applicant submits that McCoskey et al. would not teach or suggest the presently claimed invention. It is well established that a rejection for anticipation requires that all elements of the claimed invention be described in a single reference and such reference must describe applicant's claimed invention sufficiently to have placed a person of ordinary skill in possession of it. Applicant submits that McCoskey et al. does not meet this requirement.

McCoskey et al. disclose a process for forming particles (pellets) by extruding a tacky polymeric material into a cooling liquid containing a non-sticky material that contacts and coats the plastic particles. The process includes the steps of (a) supplying said plastic material in extrudable form near the Ring and Ball Softening Point of said plastic material; (b) extruding said plastic material through at least one orifice of a die plate immersed in a cooling fluid; (c) cutting said plastic material as it exits said die plate while in contact with said cooling fluid thereby forming particles of said plastic material; (d) separating said particles from said cooling fluid; and (e) contacting said particles with a non-sticky material, wherein said plastic material is also contacted with a non-sticky material while in contact with said cooling fluid prior to said particles of said plastic material significantly contacting each other.

McCoskey et al. teach forming pellets and not slats. McCoskey et al. clearly delineate between the problems facing one solving the problem of preparing a non-blocking pellet from a completely different problem of forming a non-blocking slat, see column 1, lines 41-56. Thus, this is distinction with a difference since one skilled in the art does not equate a pelletizable material with a slatible material.

McCoskey et al. does not teach extruding the material is near or above the Ring and Ball Softening Point as in Applicant's invention, but instead teach just prior to extrusion, these materials are preferably cooled to a temperature significantly below their Ring and Ball Softening Point to aid in the forming the solid particles.

McCoskey et al. do not teach or suggest coextruding a non-tacky material with the amorphous propylene copolymer to form a sheath, but teach using an underwater cutter wherein the pellets are first contacted with a non-blocking agent present in the water. This too is a significant difference between Applicant's invention and McCoskey et al.

Docket: 70213

PATENT

Processes that utilize underwater cutters require that the temperature of the carrier/coolant be constantly monitored since, if the water is too hot, the pellets formed as they are extruded through the die will agglomerate as the pellets are above their glass temperature or in the case of amorphous propylene above the Ring and Ball Softening Point. Oppositely, if the water gets too cold, then the die will start to plug due to the polymer solidifying in the die holes. This has the disadvantage of causing the extruder to run at an exceptionally high torque loading, putting far too much energy into the polymer which may cause unexpected property changes of the extruded material as well cause polymer that is next to the heated die to blacken, char, or become off color. Applicant's invention does not have this problem.

Applicant submits that McCoskey et al. do not teach or suggest forming a sheath-and-core strand of material by coextrusion; or using low viscosity non-tacky polyolefin to form a non-blocking sheath; or contacting a sheath-and-core strand of material with a surface having a temperature below the ring and ball softening point of the amorphous propylene copolymer; or cutting the strand into slats.

McCoskey teaches a non-tacky wax material is present in a cooling liquid which is contacted with the plastic material using an underwater type cutter and once the pellets are separated from the carrier/cooling fluid the pellets are contacted for a second time with a powdered non-sticky coating material. McCoskey et al. further teach that the "soft and tacky" pellets must be contacted a second time with a non-sticky material, after being separated from any cooling fluid. Excluding the second contacting of the particles with the non-sticky material results in the particles not being pourable and block after setting for a short period of time, particularly at elevated temperatures.

Applicant submits that the two coatings taught in McCoskey cannot adequately function as a sheath for the specific core material claimed by Applicant. The twice coated particles leave too much of the surface area of the core exposed resulting in blocking together. In contrast, Applicant claims a slatted article containing a specific core material that is surrounded with a sheath so that less than 40 percent of the core is exposed upon cutting. As noted above, McCoskey does not teach or suggest a sheath-and-core slat.

Docket: 70213

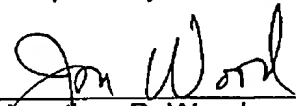
PATENT

Furthermore, Applicant submits that it would be difficult if not impossible to form a "sheath", or a "coextruded" sheath-and-core using a powder applied during a "cold quench" process and during blending as taught in McCoskey. Applicant respectfully submits that the powder coating disclosed in McCoskey is neither a sheath, nor capable of forming a sheath.

Accordingly, Applicant submits that claims 30-42 are not anticipated by McCoskey et al. and respectfully requests that the 35 U.S.C. § 102(b) rejection be withdrawn and the application passed to allowance at the examiner's earliest convenience.

Respectfully submitted,

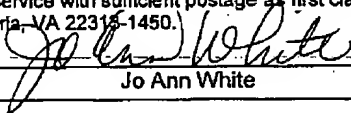
Eastman Chemical Company
P.O. Box 511
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Phone: (423) 229-8862
FAX: (423) 229-1239


Jonathan D. Wood
Registration No. 39,076

5-12-03
Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

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Jo Ann White

May 12, 2003
Date

PATENT

Docket: 70213

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc S. Somers

Confirmation No.: 3758

Serial No.: 09/019,746

Group Art Unit: 1774

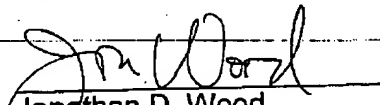
Filed: September 22, 1997

Examiner: Merrick L. Dixon

For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN
AND ARTICLE PREPARED THEREBYMail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450ASSOCIATE POWER OF ATTORNEY

I hereby appoint Polly C. Owen, Registration No. 44,991, as Associate Attorney in the above-identified application with full power to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please address all future communications and telephone calls to Polly C. Owen [Telephone: (423) 229-6204].

Respectfully submitted,

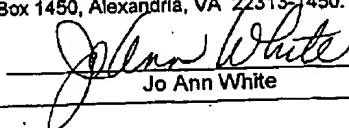
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5-12-03

Date


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Jo Ann WhiteMay 12, 2003
Date

n:\docket\70213\Associate POA for PCO.

SN 09/019,746	Docket 70213 (US04)	Attorney Polly C. Owen
Applicant(s) Marc S. Somers		
Title PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN AND ARTICLE PREPARED THEREBY		
The following has been received in the USPTO on the date stamped hereon: Associate Power of Attorney (1 page) Reply Under 37 CFR 1.111 (9 pages)		


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MAY 30 2003

EASTMAN CHEMICAL COMPANY
LEGAL DEPARTMENT

BJB

SN	09/019,746	Docket	70213	Attorney	Jonathan D. Wood
Applicant(s) Marc Stacey Somers					
Title PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN AND ARTICLE PREPARED THEREBY					
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EASTMAN CHEMICAL COMPANY LEGAL DEPARTMENT					



Docket: 70213 US04

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Somers
Serial No.: 09/019,746
Filed: September 22, 1997
For: PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE
COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN
AND ARTICLE PREPARED THEREBY

Confirmation No.: 3758

Group Art Unit: 1774

Examiner: Merrick L. Dixon

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATUS LETTER

It is respectfully requested that applicant be advised of the status of the subject patent application.

A Petition was mailed to the Patent and Trademark Office on October 20, 2003.
To date applicant has not received the USPTO Office Action responding to the Petition.

Respectfully submitted,

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Polly C. Owen
Polly C. Owen
Registration No. 44,991

5/24/04
Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

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Jo Ann White
Jo Ann White


May 26, 2004
Date

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JUN 14 2004

EASTMAN CHEMICAL COMPANY
LEGAL DEPARTMENT

SN 09/019,746	Docket 70213 US04	Attorney Polly C. Owen
Applicant(s) Somers		
Title PROCESS FOR COEXTRUDING A TACKY AMORPHOUS PROPYLENE COPOLYMER COMPOSITION WITH A LOW VISCOSITY POLYOLEFIN AND ARTICLE PREPARED THEREBY		
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